

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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:
In re :: Chapter 9
CITY OF DETROIT, MICHIGAN, :: Case No. 13-53846
Debtor. :: Hon. Thomas J. Tucker
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**STIPULATION FOR ORDER WITHDRAWING
DPLSA CLAIM #1844 as MOOT**

The City of Detroit, Michigan (“City” and the Detroit Lieutenants and Sergeants Association (“DPLSA”), by and through their undersigned counsel, hereby stipulate to the entry of an Order Confirming that Claim Nos. 1844 are resolved by the DPLSA Collective Bargaining Agreement (“the DPLSA CBA”) and the City’s Confirmed Plan of Adjustment and Allowing Withdrawal of DPLSA Claim Nos. 1844, as Moot, in the form attached as Exhibit A. In support of their request, the City and the DPLSA state the following:

1. On February 20, 2014, the DPLSA filed Claim Nos. 1844.
2. Claim No. 1844 is a protective claim, which was filed while there was pending litigation proceedings. Claim 1844 asserts current and former DPLSA members rights to a defense and indemnification from the City.
3. On November 6, 2014, the parties entered into a collective bargaining agreement (“the DPLSA CBA”) that was ratified by DPLSA members,

Adjustment of Debts of the City of Detroit (the “Plan of Adjustment”). See Plan of Adjustment and Exhibit II.D.5. thereto [Docket Nos. 8045; 8045-10, p.28]. The Plan of Adjustment was confirmed by this Court pursuant to its November 12, 2014 Order Confirming the 8th Amended Plan for the Adjustment of Debts of the City of Detroit [Docket No.8272].

4. The City and the DPLSA agree that the terms as written of the DPLSA CBA require the City to provide a defense and indemnification to current and former DPLSA members on terms and conditions set forth in the DPLSA CBA. The City and the DPLSA further agree that such defense and indemnification claims have been and are being addressed by the City in the ordinary course of business.
5. In the Plan of Adjustment, the City sought to discharge certain claims against City officers or employees acting in their individual capacity, some of whom are current or former members of the DPLSA, and certain claimants objected to that discharge. The Confirmation Order granted, in part, the objection to the discharge of those claims against officers acting in their individual capacity. See Confirmation Order [Docket No. 8272, ¶3, 22, 27 and 30]. In its December 31, 2014 Supplemental Opinion Regarding Plan Confirmation, the Court based this ruling, in part, on the City’s assumption of the obligation to defend and indemnify affected Cuty officers and employees in its collective bargaining agreements with its

6. In light of the City's assumption of its obligations to defend and indemnify current and former DPLSA members through the DPLSA CBA, the City and the DPLSA assert and ask this Court to confirm that claims asserted by Claim No. 1844 are moot.
7. The City and the DPLSA further agree that: (a) that the rights of current and former members of the DPLSA to a defense or indemnification from the City are controlled by terms as written in the DPLSA CBA, as incorporated into the Plan of Adjustment; (b) Claim No. 1844 should be withdrawn as moot; (c) as a result of the withdrawal of Claim No. 1844, the DPLSA and its members will have no right to receive any distribution in these bankruptcy proceedings based on Claim No 1844; and (d) as required by the Plan of Adjustment, any further disputes involving the right of any current or former DPLSA member to a defense or indemnification from the City shall be governed by the DPLSA CBA and shall be resolved by the parties in the ordinary course of business pursuant to applicable state law, including applicable City ordinances, and any applicable procedures provided by the DPLSA CBA.
8. The withdrawal of DPLSA claim NO. 1844 (and ostensibly Claim No. 3784 filed for notice purposes only) does not affect any rights that DPLSA has under any other pending claim.

WHEREFORE, the parties request the Court enter an Order in the form

STIPULATED AND AGREED:

DPLSA ATTORNEYS

/s/ *Barbara A. Patek*
Barbara A. Patek (P34666)
Law Office of Barbara A Patek, PLC
27 E Flint Street, Suite 2
Lake Orion, MI 48362-3220
p. (248) 814-9470
f. (248) 814-8231
pateklaw@gmail.com

-and-

Peter Sudnick (P30768)
Sudnick Law, PC.
2555 Crooks Rd, Suite 150
Troy, MI 48084
(248) 643-8533

CITY OF DETROIT ATTORNEYS

/s/ *Mary Beth Cobbs*
Mary Beth Cobbs (P40080)
City of Detroit Law Department
2 Woodward, Suite 500
Detroit, MI 48226
(313) 237-3075
(313) 224-5505
cobbm@detroitmi.gov

-and-

Letitia C. Jones (P52136)
City of Detroit Law Department
2 Woodward, Suite 500
Detroit, MI 48226
(313) 237-3002

Exhibit A

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**ORDER WITHDRAWING
DPLSA CLAIM #1844 AS MOOT**

This case is before the Court on the stipulation filed on _____ (Docket #
_____, the Stipulation) entitled “Stipulation for Order Withdrawing DPLSA Claim
#1844 as Moot.” Based on the Stipulation,

IT IS ORDERED THAT Claim No. 1844 filed on behalf of the Detroit Police
Lieutenants and Sergeants Association is withdrawn as moot.